

# COMMITTEE REPORT

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## MR. PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 57, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 courts and court officers.
- 4 Delete everything after the enacting clause and insert the
- 5 following:
- 6 SECTION 1. IC 3-8-1-30 IS AMENDED TO READ AS FOLLOWS
- 7 [EFFECTIVE JANUARY 1, 2001]: Sec. 30. A candidate for the office
- 8 of judge of a small claims court must:
- 9 (1) be a United States citizen upon taking office;
- 10 (2) have resided in the ~~county~~ **township from which the**
- 11 **candidate is elected** for at least one (1) year upon taking office;
- 12 (3) be of high moral character and reputation; and
- 13 (4) either:
- 14 (A) be admitted to the practice of law in Indiana upon filing a
- 15 declaration of candidacy or petition of nomination or upon the
- 16 filing of a certificate of candidate selection under IC 3-13-1-15
- 17 or IC 3-13-2-8; or
- 18 (B) have at least one (1) year of experience as a justice of the
- 19 peace before January 1, 1976, and have served as a justice of the
- 20 peace on December 31, 1975.
- 21 SECTION 2. IC 33-11.6-1-3 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. ~~Creation:~~ There
- 23 ~~is are~~ hereby created and established a **township** small claims ~~court~~
- 24 **courts** in each county containing a consolidated city of the first class.
- 25 The name of ~~the each~~ court shall be the " \_\_\_\_\_ ~~County~~
- 26 **Township of Marion County** Small Claims Court" (insert the name
- 27 of the ~~county township~~ in the blank). ~~Such court shall become~~
- 28 ~~operational on January 1, 1976.~~
- 29 SECTION 3. IC 33-11.6-1-7 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 7. ~~Circuit Court~~
- 31 ~~Judge:~~ The judge of the circuit court shall extend aid and assistance to
- 32 the judges in the conduct of ~~their divisions~~ of the **township** small

1 claims ~~court~~ courts.

2 SECTION 4. IC 33-11.6-3-5 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 5. ~~Hours of~~  
 4 ~~Service~~. The circuit court judge may establish a regular hourly schedule  
 5 for the performance of duties by full-time or part-time ~~divisions of~~  
 6 **township** small claims courts, and each small claims court judge shall  
 7 maintain that schedule. If the circuit court judge does not establish a  
 8 regular hourly schedule, each small claims court judge shall perform  
 9 ~~his~~ **the judge's** duties at regular, reasonable hours. Whether or not a  
 10 regular hourly schedule has been established by the circuit court judge,  
 11 a small claims court judge shall hold sessions in addition to ~~his~~ **the**  
 12 **judge's** regular schedule whenever the business of ~~his division~~ **the**  
 13 **judge's court** requires such sessions.

14 SECTION 5. IC 33-11.6-3-14 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. ~~Seal~~. Each  
 16 judge shall procure a seal that will stamp upon paper a distinct  
 17 impression of words and letters. The seal shall contain the words  
 18 \_\_\_\_\_ **County "Township of Marion County** Small Claims  
 19 Court," \_\_\_\_\_ ~~Division~~ (insert the name of the ~~county and the~~  
 20 ~~name of the~~ township in the ~~appropriate blanks~~): **blank**. Deeds,  
 21 mortgages, powers of attorney, state warrants and all other instruments  
 22 of writing pertaining to his official duty, duly attested by the seal and  
 23 signature of the judge, shall be presumptive evidence of the official  
 24 character of said court or judge in all courts in the state without further  
 25 authentication.

26 SECTION 6. IC 33-11.6-4-1 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. ~~County-wide~~.  
 28 ~~The~~ (a) **Except for any claim between landlord and tenant, any case**  
 29 **within the jurisdiction of the any small claims court and each of its**  
 30 **divisions, shall extend throughout the county: may be venued,**  
 31 **commenced, and decided in any township small claims court within**  
 32 **the county.** ~~2/1/1999 the defendant withfor the (1) of venue filed by~~  
 33 **the summons, the township small claims court shall determine in**  
 34 **accordance with subsection (b) whether required venue lies with**  
 35 **the court or with another small claims court in the county in which**  
 36 **the small claims court in which the action was filed sits.**

37 (b) The determination to be made under subsection (a) shall be  
 38 made in the following order:

- 39 (1) In an action upon a debt or account, the township where  
 40 any defendant has consented to venue in a writing signed by  
 41 the defendant.
- 42 (2) The township where a transaction or occurrence giving  
 43 rise to any part of the claim took place.
- 44 (3) The township (in a county of the small claims court)  
 45 where the greater percentage of individual defendants  
 46 included in the complaint resides, or, if there is no such  
 47 greater percentage, the place where any individual defendant  
 48 so named resides, owns real estate or rents an apartment or  
 49 real estate or where the principal office or place of business  
 50 of any defendant is located.

1           **(4) The township where the claim was filed if there is no**  
 2           **other township in the county in which the small claims court**  
 3           **sits in which required venue lies.**

4           **(c) Venue of any claim between landlord and tenant shall be in**  
 5           **the township where the real estate is located.**

6           **(d) If a written motion challenging venue is received by the**  
 7           **township small claims court the court shall rule whether required**  
 8           **venue lies in the township of filing.**

9           SECTION 7. IC 33-11.6-4-2 IS AMENDED TO READ AS  
 10          FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. The court shall  
 11          have original and concurrent jurisdiction with the circuit and superior  
 12          courts in all civil cases founded on contract or tort in which the debt or  
 13          damage claimed does not exceed ~~six~~ **ten** thousand dollars ~~(\$6,000);~~  
 14          **(\$10,000)**, not including interest or attorney fees.

15          SECTION 8. IC 33-11.6-7-1 IS AMENDED TO READ AS  
 16          FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. ~~Transfer of~~  
 17          ~~Cases between Divisions.~~ The circuit court judge may transfer cases  
 18          from one (1) ~~division~~ **township small claims court** to another as the  
 19          needs of the small claims court may require.

20          SECTION 9. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 21          JANUARY 1, 2001]: IC 33-11.6-1-5; IC 33-11.6-2-1.

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(Reference is to SB 57 as introduced.)

**and when so amended that said bill be reassigned to the Senate Committee on Judiciary.**

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GARTON

Chairperson